

THIRTY-THIRD DAY

WEDNESDAY, MARCH 12, 1997

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Dr. Denny Autrey, Pastor, First Baptist Church, Lindale, offered the invocation as follows:

"Rejoice with those who rejoice, and weep with those who weep. Be of the same mind toward one another; do not be haughty in mind, but associate with the lowly. Do not be wise in your own estimation. Never pay back evil for evil to anyone. Respect what is right in the sight of all men. If possible, so far as it depends on you, be at peace with all men." (Romans 12:15-18)

Our heavenly Father, we thank You for the privilege we have to come to You in prayer because of the finished work of Jesus Christ at Calvary. We thank You for Your word and for the ordained authority of government. We lift up our Lieutenant Governor and our Senators as they conduct the business of this session. May Your grace be upon them, may Your wisdom be within them, and may You give divine discernment in each decision they endeavor to make. May the presence of Your spirit be manifested in their work that the righteousness of God might bring order, decency, and revival to our great state. This is our prayer in the powerful name of Jesus, our Lord. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR WITHDRAWN

Senator Carona requested that his name be withdrawn as Co-author of **SB 569**.

The request was granted.

CO-AUTHORS OF SENATE BILL 79

On motion of Senator Ellis and by unanimous consent, Senators Gallegos, Moncrief, and Whitmire will be shown as Co-authors of **SB 79**.

CO-AUTHOR OF SENATE BILL 162

On motion of Senator Barrientos and by unanimous consent, Senator Shapleigh will be shown as Co-author of **SB 162**.

CO-AUTHORS OF SENATE BILL 253

On motion of Senator Barrientos and by unanimous consent, Senators Gallegos, Harris, and West will be shown as Co-authors of **SB 253**.

CO-AUTHOR OF SENATE BILL 275

On motion of Senator Sibley and by unanimous consent, Senator Galloway will be shown as Co-author of **SB 275**.

CO-AUTHOR OF SENATE BILL 294

On motion of Senator Sibley and by unanimous consent, Senator Shapleigh will be shown as Co-author of **SB 294**.

CO-AUTHOR OF SENATE BILL 304

On motion of Senator Brown and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 304**.

CO-AUTHOR OF SENATE BILL 384

On motion of Senator Nelson and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 384**.

CO-AUTHORS OF SENATE BILL 428

On motion of Senator Fraser and by unanimous consent, Senators Carona and Galloway will be shown as Co-authors of **SB 428**.

CO-AUTHOR OF SENATE BILL 585

On motion of Senator Nelson and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 585**.

CO-AUTHOR OF SENATE BILL 827

On motion of Senator Ellis and by unanimous consent, Senator Nixon will be shown as Co-author of **SB 827**.

CO-AUTHOR OF SENATE BILL 882

On motion of Senator Brown and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 882**.

CO-AUTHOR OF SENATE BILL 937

On motion of Senator Harris and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 937**.

CO-AUTHOR OF SENATE BILL 974

On motion of Senator Carona and by unanimous consent, Senator Shapiro will be shown as Co-author of **SB 974**.

CO-AUTHORS OF SENATE BILL 1055

On motion of Senator Haywood and by unanimous consent, Senators Harris and Nelson will be shown as Co-authors of **SB 1055**.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

Senator Truan was recognized and announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 12, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE STATE SECURITIES BOARD for a term to expire January 20, 2003:

JOSE ADAN TREVINO
4809 Fern Street
Bellaire, Texas 77401

Mr. Trevino will be replacing Thomas Deon Warner of Houston whose term expired.

TO BE MEMBERS OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING for terms to expire January 31, 2003:

JOAN WHITE
35 Pinar Del Rio
Brownsville, Texas 78521

Ms. White will be replacing Ray Charles Jones of Houston whose term expired.

ROBERT L. POUNDS
604 Castile
El Paso, Texas 79912

Mr. Pounds is being reappointed.

BETTY H. LITTLE
2111 South Hughes Street
Amarillo, Texas 79109

Ms. Little will be replacing Char Rothrock of Houston who is deceased.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

CAPITOL PHYSICIAN

Senator Armbrister was recognized and presented Dr. David H. Watson of Yoakum as the "Doctor for the Day."

The Senate welcomed Dr. Watson and his granddaughter Amanda Mino and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 303

Senator Bivins offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize the State Firemen's and Fire Marshals' Association of Texas for its invaluable work in providing protection to the citizens of our communities; and

WHEREAS, Organized in 1876, the State Firemen's and Fire Marshals' Association of Texas is the oldest Texas association in existence and has provided 121 years of continuous service to its members and the State of Texas fire service; and

WHEREAS, The purpose of the association is to promote, unify, represent and educate members of the fire service community of Texas; and

WHEREAS, There are more than 1,000 fire departments and more than 15,000 individual memberships from the volunteer, industrial, and career sectors of the state and more than 100 associate memberships from the related fire industry; and

WHEREAS, An affiliate of the Texas Municipal League, the Texas Fire Chiefs Association was organized in 1961 to promote the fire service as a profession, to improve the methods of fire prevention, protection, and extinguishment, and to maintain high standards of professional ethics; its membership is composed of over 200 career, volunteer, and industrial fire chiefs and associate members; and

WHEREAS, For the past 121 years, members of the State Firemen's and Fire Marshals' Association of Texas have handled their responsibilities with efficiency and dedication to those they so conscientiously serve; and

WHEREAS, Their meritorious work and exemplary devotion to their communities have earned the respect and admiration of all the citizens of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the State Firemen's and Fire Marshals' Association of Texas and the Texas Fire Chiefs Association and designate Wednesday, March 12, 1997, as "Firefighter Appreciation Day"; and, be it further

RESOLVED, That a copy of this Resolution be prepared for these distinguished associations as an expression of the high esteem of the Texas Senate.

The resolution was read.

On motion of Senator Gallegos and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Bivins, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Bivins, joined by Senator Gallegos, was recognized and introduced to the Senate a delegation of the State Firemen's and Fire Marshals' Association and Texas firefighters.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a delegation from the Guadalupe County and Wilson County Firemen's Associations.

The Senate welcomed its guests.

SENATE RESOLUTION 306

Senator Zaffirini offered the following resolution:

WHEREAS, The Texas Senate is quite proud to recognize the Girl Scouts of the United States of America, the oldest and largest organization of its type in the nation exclusively serving the needs of girls and young women; and

WHEREAS, Girl Scouting builds self-esteem and teaches girls to be confident, assertive, and active in meeting life's challenges while being caring and committed to improving life in their communities; and

WHEREAS, Girl Scouting also plays an important part in substituting positive social acts for destructive behavior and in teaching skills for resolving conflicts without violence; and

WHEREAS, The Lone Star Girl Scout Council serves over 12,000 girls and 5,200 adults in 18 central Texas counties; it works hand in hand with dedicated volunteers to provide educational and recreational opportunities that teach the values of commitment, honesty, and respect for others as well as for themselves; and

WHEREAS, On March 12, 1997, the Girl Scouts of the United States of America, including the Lone Star Girl Scout Council, will celebrate the 85th Anniversary of Girl Scouting in the United States; this date will begin a series of grown-up Girl Scouts alumni reunions and luncheons as well as parades and many other celebratory activities for girls throughout Texas and our nation during the remainder of 1997; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby declare Wednesday, March 12, 1997, as Girl Scout Day in Texas and declare all participating Girl Scouts honored citizens of Texas during this day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Girl Scouts as an expression of the high regard and esteem of the Texas Senate.

ZAFFIRINI
NELSON
SHAPIRO

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Zaffirini, joined by Senators Nelson and Shapiro, was recognized and introduced to the Senate a delegation from the Lone Star Girl Scout Council accompanied by Jare Smith, board president, and Etta Moore, executive director.

The Senate welcomed its guests.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 103, HCR 128**

SENATE RESOLUTION 319

Senator Haywood offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize Dr. William O. "Doc" Beazley, vice president emeritus of Hardin-Simmons University, for his exceptional contributions to education throughout his meritorious career; and

WHEREAS, For nearly 50 years, the distinguished educator has faithfully served the people of Texas in several important positions during his tenure at Hardin-Simmons University; and

WHEREAS, After graduating from Bridgewater College in Virginia, Dr. Beazley continued his education at Southwestern Seminary in Fort Worth, where he earned a master's degree in religious education and a doctorate in education; in 1948, the young teacher accepted a post with Hardin-Simmons University as an instructor of religious education, speech, and Bible; and

WHEREAS, Highly regarded for his outstanding teaching skills and excellent relationship with his students, Dr. Beazley spent several years with the Virginia Board of Missions and Education in the late 1950s before returning to Hardin-Simmons University as chairman of the department of religious education and director of institutional services; and

WHEREAS, During the course of his career, Dr. Beazley earned the trust and admiration of his colleagues, and he served with distinction as director of admissions, athletic director, and executive vice president; and

WHEREAS, Perhaps his most visible role has been as director of Hardin-Simmons University's notable Six White Horses program, which he has headed since the 1960s; the famed equestrian team is an all-female riding group that carries the six flags that have flown over Texas since 1519, representing Spain, France, Mexico, the Confederacy, the Republic, and the United States; and

WHEREAS, Under Dr. Beazley's supervision, the spectacular group has appeared at gala occasions, including Richard M. Nixon's inauguration, Macy's Thanksgiving Day Parade, and the inaugurations of Texas governors Dolph Briscoe, Mark White, and George W. Bush; and

WHEREAS, In 1995, the Texas House of Representatives named the horsewomen official Texas Ambassadors of Goodwill, and the famed ladies have been awarded the National Cowboy Symposium's Cowboy Culture Award for their role in preserving our western heritage; for Dr. Beazley's

signal contributions to the Six White Horses program, Hardin-Simmons University named the Beazley White Horse Center in his honor; and

WHEREAS, Upon his retirement as director of the Six White Horses program, Dr. Beazley leaves a legacy of excellence in all his endeavors; his guidance, vision, and dedication to the institution he has served so well will continue to inspire students and faculty alike to higher levels of achievement; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend its sincere appreciation to Dr. William O. "Doc" Beazley for his significant contributions to the citizens of Texas and extend best wishes to him for a most rewarding retirement; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Dr. Beazley as an expression of the admiration and gratitude of the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Haywood was recognized and introduced to the Senate Dr. and Mrs. William O. "Doc" Beazley.

The Senate welcomed its guests.

(Senator Truan in Chair)

SENATE RESOLUTION 322

Senator Lucio offered the following resolution:

WHEREAS, The Texas Senate is proud to join the citizens of Harlingen in the celebration of Harlingen Day at the State Capitol on March 12, 1997; and

WHEREAS, Referred to as an "All-American City," the City of Harlingen is the geographic center for the Rio Grande Valley of Texas and is the regional focal point in South Texas; and

WHEREAS, Harlingen, with its semitropical climate, is also known as the "Tropical Playground of Texas"; in addition, it is home to the Rio Grande Valley WhiteWings Baseball Team; and it wholeheartedly supports Representative Brimer's effort to bring major league baseball spring training to the Valley; and

WHEREAS, Harlingen is also home to the Rio Grande Valley Birding Festival, which shares the Valley's unique wildlife and beauty of the land with visitors from across our country and demonstrates that economic progress and prosperity can walk hand in hand with maintaining natural ecological resources; and

WHEREAS, The City of Harlingen's outstanding civic leadership is moving the "Harlingen Interplex" into the next century; the city is the world's newest crossroads of International commerce with world-class manufacturing firms such as Fruit of the Loom, Lockheed-Martin, and Keystone International; and

WHEREAS, Harlingen is recognized as the home of the area's most advanced medical facilities and through recent construction has further

enhanced the state-of-the-art Valley Baptist Medical Center and expanded educational facilities at one of the Valley's premier institutions of higher learning, the Texas State Technical College; and

WHEREAS, Harlingen, as an owner of the Free Trade Bridge, is strategic to the full implementation of the North American Free Trade Agreement and is a full partner in economic and industrial development in the region and in Mexico; and

WHEREAS, Community volunteerism is a way of life for the Harlingen citizenry, and the city boasts thousands of volunteers in the areas of community service and environmental and social causes; and

WHEREAS, Throughout the years, Harlingen has distinguished itself as one of our state's most outstanding communities, and it is indeed fitting that the city and its residents receive appropriate legislative recognition for their many accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby designate March 12, 1997, as Harlingen Day at the Capitol and welcome the members of the city's delegation on their visit to Austin; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for the members of the Harlingen City Council as an expression of high regard by the Texas Senate.

The resolution was read.

On motion of Senator Zaffirini and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Sara Kulungowski, Patti Neblett, Hector Pena, Remi Garza, Anne and Bob Shephard, Bruce Duncan, Cloice Whitley, Jerry Dale, and a delegation of citizens from Harlingen.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Moncrief was recognized and introduced to the Senate a group of fifth-grade students and their teachers from Daggett Elementary Montessori School of Fort Worth.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Haywood was recognized and introduced to the Senate his granddaughter Johna Green serving today as an Honorary Senate Page.

The Senate welcomed Johna.

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate Steve Winston, Chair, Tyler Chamber of Commerce; Henry Bell, Executive Director, Tyler Chamber of Commerce, and 1997 President, Tyler Rose Festival; Elizabeth Smith, 1997 Tyler Rose Queen; Jody Burks, 1997 Duchess of the Rose Growers; and a delegation of citizens from Tyler.

The Senate welcomed its guests.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 135 ON SECOND READING**

Senator Bivins moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 135** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended for **CSSB 135**:

CSSB 135, Relating to the immunity from liability of counties and juvenile boards and their employees and volunteers in relation to certain responsibilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 135 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 135** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 135 was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 182 ON SECOND READING**

Senator Shapiro moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 182** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

(Senator Sibley in Chair)

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended for **CSSB 182**:

CSSB 182, Relating to costs on conviction to fund courthouse and municipal court building security.

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 1.

Nays: Luna.

**COMMITTEE SUBSTITUTE
SENATE BILL 182 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 182** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Luna.

CSSB 182 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Luna asked to be recorded as voting "Nay" on the final passage of the bill.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate a group of seventh-grade students from Tuloso-Midway Middle School of Corpus Christi accompanied by their teachers Julie Burger and Sharon Adams.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a delegation from the Grand Prairie Chamber of Commerce.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Wednesday, March 12, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 520, Relating to menhaden boat licenses.

HB 578, Relating to certain licensed nonresident insurance agents.

.

HB 979, Relating to the duration of certain agreements between a local government and this state or the United States in connection with an airport or air navigation facility.

HCR 124, Recognizing March 12, 1997, as Grand Prairie Day at the Capitol.

HCR 131, Declaring March 11 and 12, 1997, as Tyler Days at the State Capitol.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 252 ON SECOND READING**

Senator Lucio moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 252** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Whitmire, Zaffirini.

Nays: Ellis, Luna, Shapleigh, Truan, West.

On motion of Senator Lucio, the regular order of business was suspended for **CSSB 252** by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

CSSB 252, Relating to removal of county officers from office.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 252** as follows:

On page 1, line 22, delete Section 87.002 Duration of Suspension and renumber sections accordingly.

On page 3, line 20, SECTION 6. Section 87.016 between "the" and "judge", delete "district"; add "visiting" such that it reads: "apply in writing to the visiting judge . . ."

The amendment was read and was adopted by a viva voce vote.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 252** as follows:

On page 3, line 56, SECTION 7. Section 87.0161(b) after "appointed," delete remainder of sentence, and add a district judge of the county in which the petition is filed may order the suit dismissed.

On page 3, line 62, SECTION 8. Section 87.017 between "the" and "judge", delete "district"; add "visiting", such that it reads: "officer, the visiting judge . . ."

The amendment was read and was adopted by a viva voce vote.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 3

Amend CSSB 252 as follows:

On page 4, line 43, Section 87.017, add subpart (e) "An officer who has been temporarily suspended under this chapter shall be entitled to an interlocutory appeal of the suspension order."

The amendment was read and was adopted by a viva voce vote.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 4

Amend CSSB 252 as follows:

On page 6, line 17, Section 87.033: add a period after the word "office", delete remainder of the sentence and insert, "Sections 87.016, 87.0161, and 87.017 shall govern in a motion for an order of temporary suspension under this section."

On line 20, (b) delete the word "application" and insert "motion for temporary suspension" between the words "The" and "must".

On line 36, delete subsection (d) and insert new subsection (d) to read as follows: "An order of temporary suspension issued under this section shall automatically expire upon the dismissal of the indictment or information or upon acquittal of the charges upon which the suspension was based."

The amendment was read and was adopted by a viva voce vote.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 5

Amend CSSB 252 by deleting Section 87.001(b), at lines 15-18 on page 1 of the committee report.

The amendment was read and was adopted by a viva voce vote.

CSSB 252 as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Ellis, Luna, Shapleigh, Truan, and West asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 252 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 252 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Whitmire, Zaffirini.

Nays: Duncan, Ellis, Luna, Shapleigh, Truan, West.

CSSB 252 was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Whitmire, Zaffirini.

Nays: Barrientos, Duncan, Ellis, Luna, Shapleigh, Truan, West.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Javier Garza of Starr County, Fernando Gonzales and Juan Meza of Zapata County, Juan Ruiz of Hidalgo County, and Gilbert Ritz, members of the State Firemen's and Fire Marshals' Association.

The Senate welcomed its guests.

SENATE BILL 487 ON SECOND READING

Senator Zaffirini moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 487** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended for **SB 487**:

SB 487, Relating to payment under contracts with the Texas Rehabilitation Commission for vocational rehabilitation services.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 487 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 487** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 487 was read third time and was passed by a viva voce vote.

(President in Chair)

SENATE BILL 262 ON SECOND READING

Senator Sibley moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 262** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended for **SB 262**:

SB 262, Relating to employment in a nursing home or other facility serving the elderly or disabled.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 262 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 262** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 262 was read third time and was passed by a viva voce vote.

SENATE BILL 523 ON SECOND READING

Senator Bivins moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 523** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended for **SB 523**:

SB 523, Relating to hearings provided to students expelled from public schools.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 523 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 523** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 523 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 536 ON SECOND READING

Senator Ogden moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 536** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended for **SB 536**:

SB 536, Relating to restrictions on certain actions involving the executive head of a state agency; providing a penalty.

The bill was read second time.

Senator Ogden offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 536** as follows:

(1) On page 2, line 10, strike the sentence beginning with "The governing body" and insert "The executive head of a state agency may not be reassigned to another position in the agency or at another agency that is also controlled by the governing body unless the governing body, in an open meeting, votes to approve the proposed reassignment."

(2) On page 2, line 16, strike "The governing body of a" and insert "A".

The committee amendment was read and was adopted by a viva voce vote.

SB 536 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 536 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 536** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 536 was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 651 ON SECOND READING

Senator Carona moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 651** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended for **CSSB 651**:

CSSB 651, Relating to complaints against certain peace officers and firefighters.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 651** as follows:

(1) In SECTION 2 of the bill, in new Subsection (b) of Section 614.022, Government Code, between "police department" and "may investigate" (page 1, line 35, senate committee printing), insert ", or that person's designated representative,".

(2) In SECTION 2 of the bill, in new Subsection (b) of Section 614.022, Government Code, between "department head" and the colon (page 1, line 36, senate committee printing), insert ", or that person's designated representative".

The amendment was read and was adopted by a viva voce vote.

CSSB 651 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 651 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 651 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 651 was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Zaffirini in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 729 ON SECOND READING**

Senator Bivins moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that CSSB 729 be taken up for consideration at this time.

On motion of Senator Bivins and by unanimous consent, further consideration of CSSB 729 was withdrawn.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 1:12 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session to be held tomorrow, until 11:00 a.m. tomorrow.

(Senator Nelson in Chair)

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 338 to Committee on Natural Resources.
HB 368 to Committee on Jurisprudence.
HB 432 to Committee on Criminal Justice.
HB 485 to Committee on Criminal Justice.
HB 578 to Committee on Economic Development.
HB 581 to Committee on State Affairs.
HB 1155 to Committee on Criminal Justice.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

SB 30 by Zaffirini, Moncrief, Nelson, Shapleigh, Truan
Relating to fraud and improper payments under the state Medicaid program and other programs and to the creation of a criminal offense relating to Medicaid fraud; providing penalties.
To Committee on Health and Human Services.

SB 998 by Harris
Relating to the administration and operation of certain trusts.
To Committee on Jurisprudence.

SB 1032 by Armbrister
Relating to centers for technology development and transfer.
To Committee on Education.

SB 1035 by Barrientos
Relating to the payment of a judgment against the state in favor of Thomas P. McDill, Jr.
To Committee on Finance.

SB 1045 by Truan
Relating to the change of name of Corpus Christi State University to Texas A&M University—Corpus Christi and to eliminating certain obsolete provisions relating to the university.
To Committee on Education.

SB 1046 by Truan
Relating to public notice of applications filed with and of actions taken by the Texas Natural Resource Conservation Commission.
To Committee on Natural Resources.

SB 1047 by Truan
Relating to public participation in and solicitation by the Texas Natural Resource Conservation Commission of outside expertise in developing agency rules and policies.
To Committee on Natural Resources.

SB 1048 by Truan, Lucio
Relating to exempting from ad valorem taxation property owned by certain organizations constructing, repairing, and providing housing for low-income and moderate-income persons.
To Committee on Finance.

SB 1049 by Truan
Relating to the creation, powers, and duties of the Community Environmental Equity Board and the creation of the community environmental equity fund.
To Committee on State Affairs.

SB 1050 by Truan
Relating to protection of the State's ownership of Permanent School Fund land.
To Committee on Natural Resources.

SB 1051 by Truan
Relating to the validation of acts, proceedings, orders, and ordinances of certain counties regarding nonhazardous solid waste disposal.
To Committee on Natural Resources.

SB 1054 by Lucio

Relating to certain dealer agreements concerning off-road construction equipment.

To Committee on Jurisprudence.

SB 1055 by Haywood, Nelson, Harris, Nixon, Zaffirini, Lindsay, Madla, Bivins

Relating to the oversight and operations of regional planning commissions and councils of governments.

To Committee on Intergovernmental Relations.

SB 1056 by Lucio

Relating to foreign student tuition fees.

To Committee on Finance.

SB 1057 by Zaffirini

Relating to the composition of and certain services operated by the Texas Department of Mental Health and Mental Retardation.

To Committee on Health and Human Services.

SB 1058 by Zaffirini

Relating to review of the termination of certain insurance agents; providing an administrative penalty.

To Committee on Economic Development.

SB 1059 by Moncrief

Relating to access by blind and visually impaired individuals to information technology.

To Committee on International Relations, Trade, and Technology.

SB 1060 by Patterson, Luna, Brown, Zaffirini, Lucio, Fraser, Wentworth, Shapleigh, Madla, Duncan, Truan, West

Relating to the management of certain funds by the Veterans Land Board, to the creation of veterans assistance centers, and to the Veterans Land Board's entering into bond enhancement agreements for certain bonds.

To Committee on Veteran Affairs and Military Installations.

SB 1062 by Madla

Relating to expunction of certain records of the Texas Department of Insurance.

To Committee on Economic Development.

SB 1063 by Carona, Shapiro

Relating to the creation of municipal courts of record in Richardson.

To Committee on Jurisprudence.

SB 1065 by Carona

Relating to the interval between internal inspection of boilers; amending Section 755.026 of the Health and Safety Code.

To Committee on State Affairs.

SB 1066 by Zaffirini

Relating to purchasing practices by health and human services agencies, by certain other agencies with programs related to health or human services, and by certain public and private local providers of health or human services.

To Committee on State Affairs.

SB 1067 by Zaffirini, Barrientos, Ellis, Gallegos, Lucio, Moncrief, Truan, West

Relating to assistance for certain legal immigrants.

To Committee on Health and Human Services.

SB 1069 by Moncrief

Relating to the release and use of certain personal information from motor vehicle records.

To Committee on State Affairs.

SB 1070 by Sibley, Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Nelson, Nixon, Ogden, Patterson, Ratliff, Wentworth, Zaffirini

Relating to faith-based chemical dependency treatment programs and counselors.

To Committee on Health and Human Services.

SB 1071 by Sibley, Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Nelson, Nixon, Ogden, Patterson, Ratliff, Wentworth, Zaffirini

Relating to the establishment of an accreditation program for child-care facilities and child-placing agencies as an alternative to state licensure; providing a criminal penalty.

To Committee on Health and Human Services.

SB 1072 by Nelson

Relating to the appraisal of property located in more than one appraisal district.

To Committee on State Affairs.

SB 1073 by Nelson

Relating to legislative review and gubernatorial suspension of certain rules of state agencies.

To Committee on State Affairs.

SB 1074 by Armbrister

Relating to the Texas Incentive and Productivity Commission, the state employee incentive program, and the productivity bonus program.

To Committee on Finance.

SB 1075 by Ellis

Relating to election dates and to certain election procedures.

To Committee on State Affairs.

SB 1077 by Lucio

Relating to estimates of, and delinquent assessments for, maintenance and operating expenses in certain water districts.

To Committee on Natural Resources.

SB 1078 by Lucio

Relating to the enhancement of international trade by granting an exemption from taxation of property owned by a navigation district or port authority that is used for public purposes.

To Committee on Finance.

SB 1079 by Lucio

Relating to appropriations for the preservation, enhancement, and promotion of state historical parks, structures, and sites.

To Committee on State Affairs.

SB 1080 by Ellis

Relating to defense and pretrial information gathering standards for indigent people who are accused of crime.

To Committee on Criminal Justice.

SB 1081 by Barrientos

Relating to peer review protections for registered nurses when advocating for patients or refusing to engage in unsafe care and when employer reports inappropriate patient care.

To Committee on Jurisprudence.

SB 1082 by Barrientos

Relating to monitoring of compliance with and enforcement of environmental laws by the Texas Natural Resource Conservation Commission and reporting on enforcement actions.

To Committee on Natural Resources.

SB 1083 by Barrientos

Relating to the drawing of names of prospective jurors.

To Committee on Jurisprudence.

SB 1084 by Patterson

Relating to prohibiting the use of mobile polling places during the early voting period.

To Committee on State Affairs.

SB 1085 by Patterson

Relating to punishments for certain criminal offenses under the Election Code.

To Committee on Criminal Justice.

SB 1086 by Patterson

Relating to the procedures for voting without a voter registration certificate.

To Committee on State Affairs.

SB 1087 by Patterson

Relating to the use and distribution of the form for an application for an early voting ballot.

To Committee on State Affairs.

SB 1088 by Patterson

Relating to the use of a private building for a polling place.

To Committee on State Affairs.

SB 1089 by Patterson

Relating to the contents of an application for an early voting mail ballot.

To Committee on State Affairs.

SB 1090 by Patterson

Relating to a signature verification committee in the general election for state and county officers.

To Committee on State Affairs.

SB 1091 by Patterson

Relating to the eligibility of certain persons to vote early by mail.

To Committee on State Affairs.

SB 1092 by Wentworth

Relating to exempting the children of disabled firemen and peace officers from the payment of tuition and fees at state-supported institutions of higher education.

To Committee on Finance.

SB 1093 by Wentworth

Relating to the use of state lottery revenue to fund the Texas tuition assistance grant program.

To Committee on Finance.

SB 1098 by Wentworth

Relating to exempting certain support payments from seizure.

To Committee on Jurisprudence.

SJR 33 by Moncrief

Proposing a constitutional amendment relating to the dedication of the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund.

To Committee on Finance.

SCR 42 by Truan

Encouraging business schools and business programs at Texas colleges and universities to increase their course offerings to include courses that focus on small and medium-sized businesses.

To Committee on Education.

SCR 44 by Sibley, Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Wentworth, Zaffirini

Encouraging the Texas Board of Criminal Justice, Texas Youth Commission, Juvenile Probation Commission, county commissioners, and sheriffs to support faith-based correctional programming and facilities.

To Committee on Criminal Justice.

SCR 45 by Armbrister

Directing the Texas Historical Commission to remove the state archeological landmark designation that was placed by the Texas Antiquities Committee on the "Burger Buildings" in Wharton County.

To Committee on Intergovernmental Relations.

RECESS

On motion of Senator Truan, the Senate at 1:23 p.m. recessed until 7:30 a.m. tomorrow for the Local and Uncontested Calendar Session.

